

REMARKS

Claim Status

Claims 1-8 and 11-15 are pending in the present application. No additional claims fee is believed to be due.

Claims 9-10 have been previously canceled.

Claims 2-5, 7, 8, and 11-15 have been previously presented.

Claim 1 is amended to more recite an additional mesh and/or sponge located about the tip of the container's nozzle. Support for this amendment is located at page 6, lines 27-30.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over US 6,114,298 (Petri et al.) in view of US 6,612,468 (Pritchett et al.)

Claims 1-2, 4-8 and 11-15 have been rejected under 35 USC §103(a) as being unpatentable over Petri et al. in view of Pritchett et al.

Petri et al. discusses a microemulsion suitable for disinfecting a surface which may be packaged in suitable detergent packaging. The Office Action further states that the includes "a manually operated foam trigger-type dispensers" as discussed in Col. 6, lines 23-44. The Office Action asserts that Pritchett teaches a hand operated non-aerosol foam dispenser having a liquid pump and air pump, an air piston, and one or more layers of mesh. Therefore, the Office Action concludes that it would have been obvious to combine Petri et al. with Pritchett et al. to reach Applicants' claimed invention. Applicants traverse the present rejection based upon the following comments.

The combination of Petri et al. and Pritchett et al. fail to establish a *prima facie* case of obviousness. As currently amended, Applicants' claimed container requires a mesh and/or sponge located at or about the tip of the container's nozzle. As noted in

Applicants' written description at page 6, lines 23-32, positioning the mesh and/or sponge near the tip of the nozzle provides the additional advantage of generating foam immediately prior to dispensing. Petri et al. only generally describes various types of suitable dispensers, while Pritchett et al. describes a dispenser which may comprise meshes in series, but also fails to teach or suggest a mesh or sponge located near the tip of the dispenser which generates foam just prior to dispensing.

The combination of Petri et al. and Pritchett et al. fails to teach or suggest each and every limitation of Applicants' claimed invention. Therefore, Claims 1-2, 4-8 and 11-15 are unobvious over the combination of Petri et al. and Pritchett et al.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-2, 4-8 and 11-15 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /idris mckelvey/
Idris N. McKelvey
Registration No. 57,057
(513) 983-2309

Date: February 9, 2009
Customer No. 27752